

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

SIMONE CRIBBS,

Plaintiff,

vs.

ACCREDITED COLLECTION SERVICE,
INC., AND BRUMBAUGH &
QUANDAL, P.C.,

Defendants.

8:15CV313

ORDER

Plaintiff has moved to strike affirmative defenses raised by Defendants in response to Plaintiff's summary judgment motion, arguing Defendants have not filed an answer to Plaintiff's Amended Complaint. (Filing No. 44). Defendants responded by moving for leave to file amended answers to the amended complaint, (Filing No. 47), and by moving to strike the amended complaint. (Filing No. 49).

Plaintiff's initial complaint was filed on August 24, 2016, and Defendants filed their answers on September 17, 2016. (Filing Nos. 10 and 11). Plaintiff's amended complaint was filed on November 19, 2016. (Filing No. 16). Since the filing date of the amended complaint was more than 21 days after the case was filed, and more than 21 days after Defendants filed their answers, Plaintiff was not permitted to file an amended complaint without leave of the court. Fed. R. Civ. P. 15(a)(1-2). She never obtained or requested an order granting leave to file an amended complaint.

Accordingly,

IT IS ORDERED:

- 1) Defendants' motion to strike, (Filing No. 49), is granted. The amended complaint, (Filing No. 16), is stricken. The operative complaint is Filing No. 1.

- 2) Defendants' motion for leave to answer the amended complaint, (Filing No. 47), is denied as moot. The operative answers are Filing Nos. 10 and 11.

July 5, 2016.

BY THE COURT:

s/ Cheryl R. Zwart
United States Magistrate Judge